



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,978	08/17/2001	Coral A. Petit-Roberts	CORSTONE1	4214

7590 07/29/2004

Bradley Arant Rose & White LLP
Suite 1400
2001 Park Place
Birmingham, AL 35203-2736

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S.C.

Office Action Summary	Application No. 09/931,978	Applicant(s) PETIT-ROBERTS ET AL.	
	Examiner Alicia Chevalier	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on April 15, 2004 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-23 are pending in the application, claims 8-13 are withdrawn from consideration.
3. Amendments to the claims, filed on April 15, 2004, have been entered in the above-identified application.

WITHDRAWN REJECTIONS

4. The 35 U.S.C. §102 rejection of claims 1, 2, 4, and 6 over Le Cong (US Patent No. 5,789,032), made of record in paper #8, mailed October 27, 2003, pages 2-3, paragraph #3 has been withdrawn due to Applicant's amendments in the response filed April 15, 2004.
5. The 35 U.S.C. §102 rejection of claims 1, 2, 4-7 over Harvey (US Patent No. 3,775,240), made of record in paper #8, pages 3-4, paragraph #4 has been withdrawn due to Applicant's amendments in the response filed April 15, 2004.
6. The 35 U.S.C. §103 rejection of claim 3 as over Le Cong in view of Brathwaite (US Patent No. 4,814,220), made of record in paper #8, pages 4-5, paragraph #5 has been withdrawn due to Applicant's amendment in the response filed April 15, 2004.

NEW REJECTIONS

7. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Examiner's Comment

8. Claim 1 recites the term "pan-like" in line 3, which should be "pan-shaped" since that is the term used later on line 5 of claim 1 and in other claims. While it is not unclear that "pan-like" and "pan-shaped" are referring to the same thing, for consistence it is better to use the same term to refer to the same thing. Also, in the amendment filed on August 1, 2003 Applicant had changed the term "pan-like" in several other instances to "pan-shaped."

Claim Rejections - 35 USC § 102

9. Claims 1, 2, 4-7, 14, 15, 17-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey (U.S. Patent No. 3,885,240).

Harvey discloses structural building modules for use as an exterior wall in the manufacture and construction of low cost prefabricated houses (*col. 1, lines 9-11*).

Regarding Applicant's independent claim 1, Harvey discloses a laminated material (*structural building module, title*) that is deemed to be rigid, since the laminate is hardened and contains reinforcing metal rods (*col. 8, lines 35-49*). The laminate material comprises a two-sided laminate (*plastic shell, col. 8, line 35*) that is deemed to be rigid, since the laminate is hardened and contains reinforcing metal rods (*col. 8, lines 35-49*), and a reinforcing material (*concrete filler material, col. 8, line 53*). The rigid two-sided laminate is configured wherein

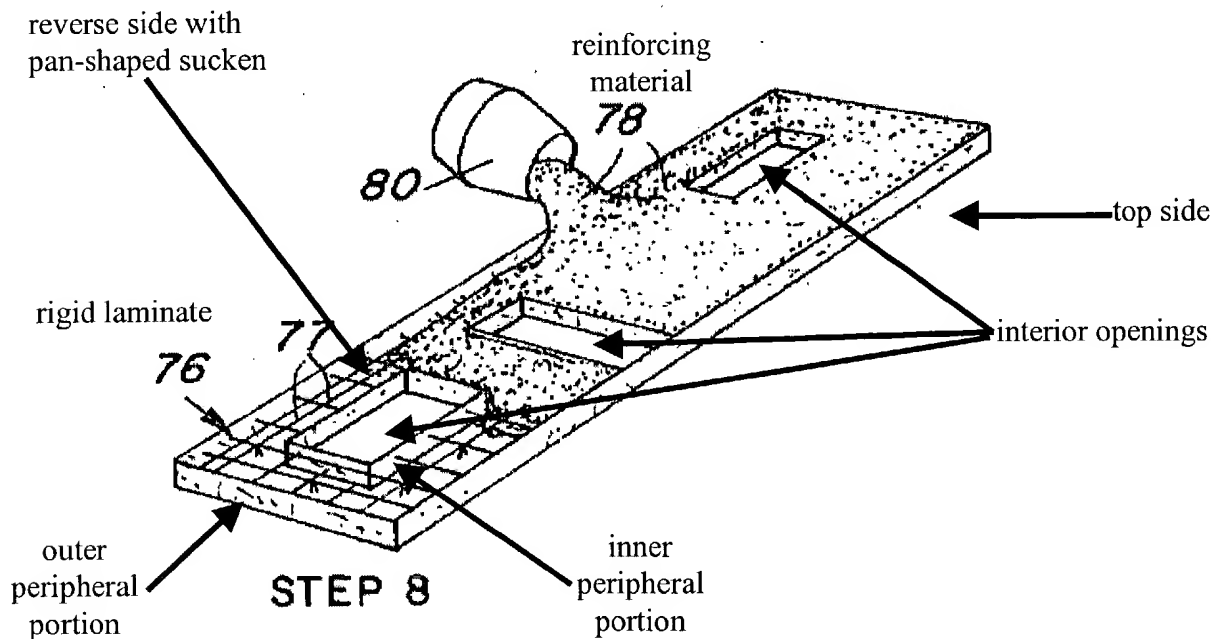
Art Unit: 1772

peripheral portions thereof border a pan-shaped sunken portion of a side thereof (*figure 3, steps 7 and 8*).

The reinforcing material is self-bonded to the rigid two-sided laminate within the pan-shaped sunken portion and is contained within the peripheral portions of the laminate (*figure 3, steps 8 and 9*). The reinforcing material is self-bonding, since the concrete is poured into the plastic shell and cured without an extra bonding agent (*col. 8, line 50 through col. 9, line 30*).

Furthermore, the rigid laminated material has at least one interior opening extending completely through the rigid laminated material and one side of the rigid two-sided laminate extends at least partially into the at least one interior opening (*figure 3, step 7*).

The following figure from Harvey accompanies the discussion of claim 1.



Regarding Applicant's claim 2, Harvey further discloses wherein the two-sided laminate has outer peripheral portions and interior peripheral portions bordering at least partially the pan-shaped sunken portion on a side thereof (*figure 3, step 7*).

Art Unit: 1772

Regarding Applicant's claim 21, regarding the limitation "at least one interior opening is of a size to accommodate a plumbing fixture", the Examiner has given the terms the broadest reasonable interpretations consistent with the written description in Application's specification as it would be interpreted by one of ordinary skill in the art. MPEP § 2111. The Examiner has interpreted this limitation to mean that the opening is at least the size of a plumbing pipe or larger. Furthermore, plumbing pipes can have diameters as small as $\frac{1}{2}$ ". Therefore, the limitation is anticipated by any opening that is at least $\frac{1}{2}$ " in diameter or larger.

Harvey discloses at least one interior opening is of a size to accommodate a plumbing fixture, since the reference teaches that the laminate material has a door opening (*col. 7, line 36*). A door opening has dimensions to accommodate a person passing through it, i.e. about 3' x 8', therefore it is deemed to be sized to accommodate a plumbing fixture.

Regarding Applicant's claim 22, since Harvey discloses a door opening (*col. 7, line 36*), which has dimensions to accommodate a person passing through it, i.e. about 3' x 8', it is deemed to be sized to accommodate a plumbing fixture such as a faucet, a sink, and a combination of the foregoing.

Regarding Applicant's claim 23, Harvey discloses that one side of the rigid two-sided laminate, i.e. the inner peripheral portions, extends completely through the at least one interior opening (*figure 3, steps 7 and 8*).

Regarding Applicant's independent claim 4, Harvey discloses a laminated material (*structural building module, title*) that is deemed to be rigid, since the laminate is hardened and contains reinforcing metal rods (*col. 8, lines 35-49*). The laminate material comprises a laminate (*plastic shell, col. 8, line 35*) that is deemed to be rigid, since the laminate is hardened and

Art Unit: 1772

contains reinforcing metal rods (*col. 8, lines 35-49*), and a reinforcing material (*concrete filler material, col. 8, line 53*). The rigid laminate has a top side and a reverse side, wherein the reverse side comprises a pan-shaped sunken portion (*figure 3, steps 7 and 8*).

The reinforcing material is self-bonding and applied to the pan-shaped sunken portion and contained in the pan-shaped portion of the laminate (*figure 3, steps 8 and 9*). The reinforcing material is self-bonding, since the concrete is poured into the plastic shell and cured without an extra bonding agent (*col. 8, line 50 through col. 9, line 30*).

Furthermore, the rigid laminated material has at least one interior opening extending completely through the rigid laminated material and the top side of the rigid laminate extends at least partially into the at least one interior opening (*figure 3, step 7*).

Regarding Applicant's claim 5, regarding the limitation "at least one interior opening is of a size to accommodate a plumbing fixture", the Examiner has given the terms the broadest reasonable interpretations consistent with the written description in Application's specification as it would be interpreted by one of ordinary skill in the art. MPEP § 2111. The Examiner has interpreted this limitation to mean that the opening is at least the size of a plumbing pipe or larger. Furthermore, plumbing pipes can have diameters as small as 1/2". Therefore, the limitation is anticipated by any opening that is at least 1/2" in diameter or larger.

Harvey discloses at least one interior opening is of a size to accommodate a plumbing fixture, since the reference teaches that the laminate material has a door opening (*col. 7, line 36*). A door opening has dimensions to accommodate a person passing through it, i.e. about 3' x 8', therefore it is deemed to be sized to accommodate a plumbing fixture.

Art Unit: 1772

Regarding Applicant's claim 14, since Harvey discloses a door opening (*col. 7, line 36*), which has dimensions to accommodate a person passing through it, i.e. about 3' x 8', it is deemed to be sized to accommodate a plumbing fixture such as a faucet, a sink, and a combination of the foregoing.

Regarding Applicant's claim 15, Harvey discloses that the top side of the rigid laminate, i.e. the inner peripheral portions, extends completely through the at least one interior opening (*figure 3, steps 7 and 8*).

Regarding Applicant's independent claim 6, Harvey discloses a laminated material (*structural building module, title*) that is deemed to be rigid, since the laminate is hardened and contains reinforcing metal rods (*col. 8, line 35-49*). The laminate material comprises a laminate (*plastic shell, col. 8, line 35*) that is deemed to be rigid, since the laminate is hardened and contains reinforcing metal rods (*col. 8, line 35-49*), and a reinforcing material (*concrete filler material, col. 8, line 53*). The rigid laminate has a top side and a reverse side, wherein the reverse side has raised edges (*figure 3, steps 7 and 8*).

The reinforcing material is self-bonding to the reverse side contained within the raised edges of the laminate (*figure 3, steps 8 and 9*). The reinforcing material is self-bonding, since the concrete is poured into the plastic shell and cured without an extra bonding agent (*col. 8, line 50 through col. 9, line 30*).

Furthermore, the rigid laminated material has at least one interior opening extending completely through the rigid laminated material and the top side of the rigid laminate extends at least partially into the at least one interior opening (*figure 3, step 7*).

Art Unit: 1772

Regarding Applicant's claim 7, Harvey discloses that the at least one interior opening has edges raised from the reverse side bordering the opening (*figure 3, step 7*).

Regarding Applicant's claim 17, regarding the limitation "at least one interior opening is of a size to accommodate a plumbing fixture", the Examiner has given the terms the broadest reasonable interpretations consistent with the written description in Application's specification as it would be interpreted by one of ordinary skill in the art. MPEP § 2111. The Examiner has interpreted this limitation to mean that the opening is at least the size of a plumbing pipe or larger. Furthermore, plumbing pipes can have diameters as small as 1/2". Therefore, the limitation is anticipated by any opening that is at least 1/2" in diameter or larger.

Harvey discloses at least one interior opening is of a size to accommodate a plumbing fixture, since the reference teaches that the laminate material has a door opening (*col. 7, line 36*). A door opening has dimensions to accommodate a person passing through it, i.e. about 3' x 8', therefore it is deemed to be sized to accommodate a plumbing fixture.

Regarding Applicant's claim 18, since Harvey discloses a door opening (*col. 7, line 36*), which has dimensions to accommodate a person passing through it, i.e. about 3' x 8', it is deemed to be sized to accommodate a plumbing fixture such as a faucet, a sink, and a combination of the foregoing.

Regarding Applicant's claim 19, Harvey discloses that the top side of the rigid laminate, i.e. the inner peripheral portions, extends completely through the at least one interior opening (*figure 3, steps 7 and 8*).

Art Unit: 1772

Claim Rejections - 35 USC § 103

10. Claims 3, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey in view of Koeppel (U.S. Patent No. 4,233,080).

Harvey is relied upon as described above.

Harvey further discloses that the rigid laminate is deemed to be substantially flat sheet, since the plastic shell is rolled, i.e. smoothed out, to eliminate air bubbles (*col. 8, lines 13-17 and figure 3, steps 4 and 7*).

Harvey fails to disclose that the rigid laminate comprises acrylic.

Koeppel discloses composite building elements (*title*) for walls in prefabricated houses (*col. 8, lines 52-57*). The building elements comprise acrylic polymers in order to render the finished material impermeable to water and atmospheric humidity (*col. 5, lines 65 through col. 6, line 4*).

Harvey and Koeppel are analogous because they both discuss composite elements for prefabricated houses.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Koeppel's acrylic polymers in the rigid laminate of Harvey in order to improve the water resistance of the laminate. One of ordinary skill in the art would have been motivated to use acrylic polymers in prefabricated housing modules because they render the finished material impermeable to water and atmospheric humidity (*Koeppel col. 5, lines 65 through col. 6, line 4*).

Art Unit: 1772

ANSWERS TO APPLICANT'S ARGUMENTS

11. Applicant's arguments in the response filed April 15, 2004 regarding the 35 U.S.C §102 and §103 rejections of record have been considered but are moot since the rejections have been withdrawn and in view of the new grounds of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alicia Chevalier

7/26/04